

REMARKS

The Examiner has rejected claims 1-6, 13-18, 1/19, 2/19, 3/19, 4/19, 5/19, 6/19, 13/19, 14/19, 15/19, 16/19, 17/19, 18/19 and 20-24 as being anticipated by Chapple.

Claim 1 includes "one of several possible hearing programs is selected at a given time in order to adjust to a momentary acoustic surround situation."

Chapple does not have an acoustic surround situation to adjust to. The Examiner refers to a "public address system" as corresponding to such an "acoustic surround situation", but there is only a microphone that is used to directly address the hearer. It is not "public" and it is simply another input mixed with music piped to the hearer. There is no surrounding acoustic situation; everything is just signals directly piped to the hearer.

Claim 20 includes "values of the parameters to be changed by a hearing program switching are passed through the filter unit."

Chapple has no such operation. There is no teaching of passing the parameters through the filter.

Claim 24 includes "providing transfer functions between the microphone and a hearer."

Chapple does not have a plurality of transfer functions between the microphone and a hearer. There is only a variable gain function between them.

It is respectfully submitted that all of the independent claims have at least one element that is missing from Chapple. In view of this, all of the claims of the application are allowable.

Appl. No. 10/044,701
Amdt. Dated Jan. 16, 2009
Reply to Office action of Oct. 16, 2008

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance and notification of same is requested.

If any fees are required by this communication, please charge them to our Deposit Account No. 16-0820, Order No. 34152.

Respectfully submitted,

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